

Oct-19-2005 15:15

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914-332-0615

T-289 P.009/011 F-669

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 14, 2005. Claims 1-10 remain pending in this application. Claims 1 and 8 are the independent claims. Favorable reconsideration is respectfully requested.

Applicant notes with appreciation the indication that Claims 3-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully refrains from so amending Claims 3-7 at this time because they believe their respective base claim to be allowable.

On the merits, the Office Action rejected Claims 1-2 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Bergstrom et al. (U.S. Patent no. 4,716,573; hereinafter "Bergstrom") in view of Bantz et al. (U.S. Patent No. 5,394,433; hereinafter "Bantz"). Applicant respectfully traverses the rejection as being in error.

As stated in the Office Action, Bergstrom fails to recite or suggest updating the list in respect of the frequencies it contains between successive selections of a frequency therefrom, the detail of each updating being dependent upon the part of the succession of frequencies so far selected, wherein each updating is such as to result in a list which contains a respective subset of the

Oct-19-2005 15:15

From-PHILIPS ELECTRONICS ICS

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T-269 P.010/011 F-668

frequencies contained in the list from which the first frequency of the succession of frequencies was selected.

Bantz cannot be properly combined with Bergstrom. Bantz recites Hop Insert/Delete functionality in Col. 15, lines 10-63. The delete function, upon which the Office Action relies as generating a subset of frequencies in a list for hop determination, removes frequencies which are found to have interfered. This function monitors frequencies used in a superframe and keeps track of whether they are good or bad in a table (see, e.g., Col. 15, lines 30-62). A frequency hop is requested to be deleted if it is bad more than Y times among the last K superframes. Bantz does not recite that y can be zero, thus Bantz requires a bad determination to happen at least twice before a frequency is removed. Thus, for Bantz to be combined with Bergstrom, multiple determinations must be made to generate status values. This combination cannot work where each updating of status values affects a state matrix.

Further, Bantz recites in Col. 16, lines 21-25 that each deleted frequency must be replaced by a new frequency. Since the list then is not a subset, but a list of equivalent length, the combination of Bergstrom and Bantz fails to recite or suggest all of the limitations of Claim 1. Applicant respectfully traverses the § 103 rejection for at least these reasons.

Oct-18-2005 15:49

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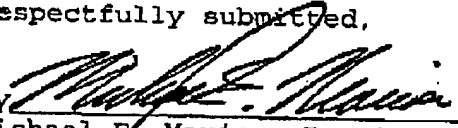
T-270 P.002/002 F-672

Claim 8 recites an apparatus substantially corresponding to the method of Claim 1 and is believed patentable for at least the same reasons.

Claims 9-10 depend from one or another of the independent Claims discussed above and are believed patentable for at least the same reasons. Further, Applicant respectfully believes Claims 9-10 to be independently patentable and request separate consideration of each claim.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the currently-pending claims are clearly patentable. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

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